

FILED
BILLINGS, MT

IN THE UNITED STATES DISTRICT COURT

2006 MAR 7 PM 1 38

FOR THE DISTRICT OF MONTANA PATRICK E. DUFFY, CLERK

BUTTE DIVISION

BY _____
DEPUTY CLERK

THREE CREEKS RANCH SOUTH,)	CV-02-36-BU-RFC
L.L.C.,)	
)	
Plaintiff/Counterdefendant,)	
)	
vs.)	
)	ORDER
DONALD R. RODEWALD and DEENA)	
J. RODEWALD, a married couple, d/b/a)	
WISCONSIN CREEK RANCH,)	
)	
Defendants/Counterplaintiffs,)	
and Third Party Plaintiffs,)	
vs.)	
)	
THREE CREEKS RANCH II, L.L.C.,)	
and REID ROSENTHAL,)	
)	
Third Party Defendants.)	

On January 23, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Rodewalds' motion for fees and costs be granted and Rosenthal's motion for fees and costs be denied and that judgment be entered in favor of Rodewalds and against Reid Rosenthal personally in the amount of \$103,110 in attorney's fees and \$4,483.49 in costs, for a total award of \$107,593.49.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). Three Creeks and Rosenthal were allowed until

February 13, 2006 to file written objections. Three Creeks and Rosenthal filed objections on February 13, 2006 and Rodewalds responded to the objections. The objections of Three Creeks and Rosenthal are not well taken.

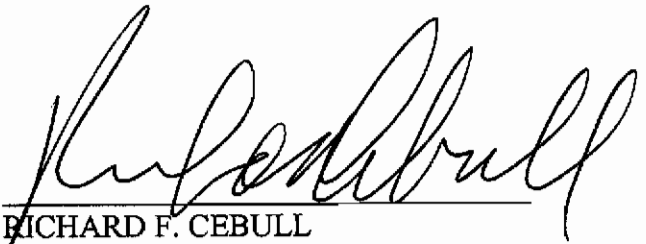
After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED** as follows:

1. The Rosewalds' motion for fees and costs [*doc. #284*] is GRANTED and the Rosenthal's motion for fees and costs [*doc. #291*] is DENIED;
2. Judgment shall be entered in favor of the Rodewalds and against Reid Rosenthal personally in the amount of \$103,110 in attorney's fees and \$4,483.49 in costs, for a total award of \$107,593.49.
3. The Clerk of Court is directed to enter Judgment in accordance with the orders of July 6, 2004 [*doc. #178*] and September 21, 2005 [*doc. #285*].

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 7 day of March, 2006.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

DATE: _____

BY: _____

I hereby certify that a copy of
this Order was mailed to:

Quentin Rhoades

Gregory C. Black